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November 15, 2007

## VIA FACSIMILE AND ECF

Honorable Gerard E. Lynch  
United States District Court for the  
Southern District of New York  
500 Pearl Street, Room 910  
New York, NY 10007

Re: Axis Reinsurance Company v. Phillip Bennett, et al.  
Index No.: 07-CV-07924 (GEL) and related cases

Dear Judge Lynch:

This firm represents Axis Reinsurance Company ("Axis") in connection with the captioned actions. Further to Ms. Moses's November 9, 2007 letter and our conference before Your Honor on November 8, 2007, Axis requests a waiver of the 25 page limitation for its brief on appeal. Axis will be submitting one brief combining the appeal of the dismissal of Axis's complaint and the appeal of the summary judgment Order granting the advancement of defense costs (including the appeal of two preliminary injunction Orders, which were subsumed by the summary judgment Order.) There are substantial legal and factual arguments to be raised in this brief. Accordingly, Axis requests a waiver from Section 2.D. of Your Honor's individual practices. Axis expects it will need no more than 40 pages for its brief on appeal and 25 pages on reply. Opposing counsel do not object to Axis's request.

Ltr. to Honorable Gerard E. Lynch  
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Opposing counsel also asked that we convey their request to submit three different 40 page briefs in opposition to Axis's brief on appeal. Axis does not oppose this request.

Accordingly, the parties jointly request Your Honor's maximum page limitations be extended as follows:

Axis's brief on appeal: one 40 page brief  
Insureds' opposition briefs: three 40 page briefs  
Axis's reply brief: one 25 page brief.

All briefs will include a table of contents and a table of authorities.

Respectfully submitted,

KAUFMAN BORGEEST & RYAN LLP



Joan M. Gilbride  
Ann Marie Collins  
Robert A. Benjamin

cc: all counsel (via email)